

Condo Smarts

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Dear Condo Smarts: Our strata is a unique design in that we have a central court yard that all 82 units face into. In the cool periods and winter it is a warm, quiet safe area for our residents to spend time, but during the recent hot spells, it has become unbearable with the heat. The real problem is there is no air circulation, mainly due to the large canopy of trees that now grow in the courtyard, and to compound problems, 14 owners have installed window type air conditioners into their courtyard windows. Everyone is now complaining about the heat generated by the air conditioners and the constant noise in the courtyard. A group of owners have raised a petition to force the removal of the 14 air conditioners citing the noise and nuisance of the window units, and claim that they are a change to the common property that requires the approval of council. On the other side, we have several owners with health concerns who could not survive in their units without the air conditioners. Our bylaws do not prohibit air conditioners, and these are simply set in the windows without any alterations. I'm afraid we're in the situation where no matter what we do, no one will be content. Any solutions would be welcome. Martin Reid, Delta

Dear Martin: One of the great benefits of the west coast is our moderate climate. As a result, very few residential buildings have collective or individual air

conditioning systems built in. With the recent heat waves, and the reduced air quality from the forest fire smoke, a cooler, filtered indoor climate is critical for anyone with associated health problems. As a result, our offices have been inundated with complaints about noisy air conditioners and their installation causing damage to buildings.

The strata council has an obligation to enforce their bylaws, but they may also have an obligation to some extent to accommodate residents that have special needs that arise from health issues or disabilities. Therein is the tricky balance they have to satisfy. The real impact is what must be assessed. Is it a nuisance because an air conditioner is operating in a unit and it limits my quiet enjoyment of the common courtyard or, someone has cut a hole in their townhouse to install an air conditioner, or the air conditioner is mounted in a window next to your bedroom and runs noisily all night. Each circumstance may be a nuisance or bylaw violation, and each one requires the council to assess the facts to determine if there is a potential violation, and what the solutions or remedies may be.

There are alternatives that a strata council may want to consider. Interior free standing air conditioners work well in small spaces like condos, and only require a vent space in a window for

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exhaust. They operate on a standard outlet, they are much quieter, and will not require the removal of a window, or place any stress on the window framing. The installation of a window air conditioner may not cause any immediate stress or damage to the window, but over time the weight can damage the window frame and reduce the effectiveness of the building envelope system. Strata corporations through their bylaws may consider specifications for the types of air conditioners that are permitted in window systems, and the location.

In a courtyard development, it may be less invasive if the air conditioners were mounted in windows adjacent to the exterior balconies, but remember that is often the location of the strata lot bedrooms as well.

In Martin's strata, they enter from a courtyard walkway, so there are no hallways; however, in strata buildings with contained hallways, collective air cooling units or air conditioners can be

installed using the hallway pressurization systems. If there is sufficient air space under the door sweeps to strata lots, and the hallway pressurization system is working efficiently, strata lots will remain quite comfortable, and the overall cost to each owner, and environmental foot print is greatly reduced. Window coverings, energy efficient window upgrades, insulation upgrades, product materials and overall well maintained building envelope and roofing systems will also contribute greatly to maintaining a comfortable climate for your residents in the summer and winter. The CMHC web site has a series of bulletins called "Renovating for Energy Savings" that provide some good types for building upgrades. Go to: <http://www.cmhc-schl.gc.ca> and type: renovating for energy savings, into the search box.

When conditions are extreme it will require a level of tolerance and cooperation for all owners. Communal living does mean we have to put up with each other's basic needs at times.

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